

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**Sisseton School District
Accountability Review - Focus Monitoring Report 2007-2008**

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Transition Liaison

Dates of On Site Visit: October 22nd and 23rd, 2007

Date of Report: November 19, 2007

4 month CAP due: March 19, 2007

8 month CAP due: July 19, 2007

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, SEP of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state.

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARAD 24:05:20:20.)

1. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 9-3-05)

24:05:28:03 Factors in determining placements

Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (3) Unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;
- (4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and
- (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

ARSD 24:05:27:01.03. Content of individualized education program

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:
 - (a) To advance appropriately toward attaining the annual goals;
 - (b) To be involved and progress in the general curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
 - (c) To be educated and participate with other students with disabilities and non-disabled students in the activities described in this section.
- (4) An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in activities described in this section.

The monitoring team identified concerns regarding the implementation of modification in the regular classroom and how services are provided to students with disabilities. Through interview and a review of records, the IEP for one student stated they would be placed in the resource room for 30 hours per week. The student was to be with peers for art and meals. However, this student was remaining in the resource room every day, all day. Another student IEP stated they were to be in the resource room 17.5 hours per week. This student has only been in the resource room 3 times this year. There were reports of students who are sent to the resource room to complete their homework, rather than implement the modification in the regular classroom setting per the IEP. At the middle school, general educators supposedly receive information regarding IEP modification at their grade level meeting, however, these meetings are not held consistently and the special education staff is not routinely in attendance. It was also reported that copies of IEP goals and modifications given to general educators have been returned to the special educator. In an interview with general educators, they could not answer the question, "What is concrete positive reinforcement".

Follow-up: October 22nd and 23rd, 2007

Finding:

Through interview and a review of records the team agrees that teachers are informed of the students who are on IEP's and the modifications they are responsible for implementing. The implementation of modifications continues to be monitored by the administrative staff to address individual concerns. However, at the middle/high school level, the special education services to be provided are not clearly stated to determine the commitment of service to the students. For example, "Special Education Service- Regular Educator/Special Educator-Regular Classroom/Resource Room- 3.3 hours per week". Based upon this statement the team would be unable to calculate the actual amount of time the student is removed from their peers and determine the appropriate least restrictive environment category in the continuum.

(#4, 14, 15, 19, 25)

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district special education director will meet with the middle/high school special education teachers and review the procedures for determining and documenting special education and related services in the IEP. Data Collection: The district will review 100 % of the IEPs written at the middle/high school level during the 4 month reporting period and report the total number of files reviewed and the total number of files that appropriately documenting the amount of service and continuum of least restrictive environment.	March 15, 2008	District special education director and middle/high school special education staff	3-14-08 Meets Requirement

4 month Progress Report:

A meeting was held to review procedures for determining and documenting special education and related services on the IEP. (See meeting agenda – December 20, 2007)

This information was reviewed again at the February 28th meeting.

A file review was held after 4 months. 25 IEPs were written at the Middle School and High School during this period.

All 25 IEPs now clearly state the amount and purpose of services provided in the appropriate manner.

2. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)

ARSD 24:05:16:16.01. Paraprofessionals and assistants.

Paraprofessionals and assistants who are appropriately trained and supervised in accordance with this section may be used to assist in the provision of special education and related services to children with disabilities under Part B of the Individuals with disabilities Education Act. At a minimum, the following standards must be met:

- 1) Paraprofessionals must have a high school diploma or GED;
- 2) Paraprofessionals must work within defined roles and responsibilities as identified by the school district;
- 3) Paraprofessionals must work under the supervision of, and be evaluated by, certified staff; and
- 4) Each school district must describe the training to be provided paraprofessionals in the staff development component of the district's comprehensive plan under 24:05:16:05.

Through interview, the monitoring team concluded that staff development activities in the district do not sufficiently prepare staff to implement the requirements under Individuals with Disabilities Education Act. Comments from paraprofessionals, general education teachers and special education teachers include, "no training is available," "did not know about the training until it was over," "no training is offered," "we get some in-service every 3 years," and "training is available for two staff per grade level every other year." Professional staff completed the online training needs assessment but the results were not used as a basis for addressing staff development needs in the district. Paraprofessionals did not know there was a needs assessment available for them to complete. Questions and issues addressed during the review process also substantiate the need for staff training in the area of special education.

Follow-up: October 22nd and 23rd, 2007

Finding: Meets Requirement

Through interview, district paraprofessionals indicated they receive feedback regarding their performance annually and participate in training activities provided by the district.

Corrective Action: None

3. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)

ARSD 24:05:17:03 Annual report of children served

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

The monitoring team was unable to validate an IEP was in effect on December 1st, 2003 for two students who were listed on the district's 2003 child count.

Follow-up: October 22nd and 23rd, 2007

Finding: Meets Requirement

Refer to # 5 General Supervision.

Corrective Action: None

4. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)

ARSD 24:05:25:26 Extended school year authorized

The district shall provide special education or special education and related services to eligible children if the IEP team determines on an individual basis that such services are necessary for the provision of FAPE. An IEP pursuant to chapter 24:05:27 shall be developed by the IEP team and implemented with informed parental consent. The IEP team shall determine the length of the school day and duration of extended school year services based on the individual child's needs.

Through a review of student records the duration of the extended school year program needed by the student was not specified in 6 IEPs. Through interview it was reported that the extended school year (ESY) services in the IEP were completed by the special educator and sent home for the parent to provide consent. Others indicated that ESY services might be provided if the parent wanted it or if the student had missed a lot of school.

Follow-up: October 22nd and 23rd, 2007

Finding:

Extended school year (ESY) services continue to be properly documented at the elementary school level. ESY services at the middle/high school level did not meet IEP content requirements. A meeting was to be held for a student on 4-1-07 to determine if ESY services were needed however there was not indication this meeting was conducted (#1). The IEP for another student, who received ESY services, did not document the services needed, the length of school day or the duration of services (#6). Another IEP contain the services to be provided but omitted the length of school day or the duration of service (#2).

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district special education director will meet with the middle/high school special education teachers and review the procedures for determining and documenting extended school year (ESY) services in the IEP. Data Collection: The district will review 100 % of the IEPs written at the middle/high school level requiring ESY services during the 4 month reporting period and report the total number of files reviewed and the total number of files appropriately documenting the amount of services needed, length of school day and duration of ESY services.	March 15, 2007	District special education director and middle/high school special education staff	3-14-08 Meets Requirement

4 month Progress Report:

A meeting was held to review procedures for determining and documenting ESY services on the IEP. (See meeting agenda – December 20, 2007)

This information was reviewed again at the February 28th meeting.

A file review was held after 4 months. 25 IEPs were written at the Middle School and High School during this period.

All 25 IEPs written now appropriately document ESY services.

5. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

24:05:25:04 Evaluation procedures

School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

Through a review of student records, assessments were administered for ten students that were not included on the prior notice/consent signed by the parents. For example, an adaptive behavior evaluation was administered for a student without parent consent. Behavior evaluations were administered for another student without parent consent. In seven files reviewed, all evaluations on the prior notice were not administered. For example, consent was provided to administer an adaptive behavior evaluation and it was not conducted. Academic tests were to be given for another student and they were not administered.

Follow-up: October 22nd and 23rd, 2007

Finding:

Through a review of student records, assessments were administered that were not included on the prior notice/consent signed by the parents.

For example:

1. Previous ability tests were used for determining continued eligibility for one student. The parent was not informed of this on the prior notice/consent for evaluation (#7).
2. A Connors and BASC was administered without parent consent (#1).
3. An adaptive behavior evaluation was administered without parent consent (#14).
4. A behavior evaluation was conducted without parent consent (#17).

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will meet with its evaluation team to review and revise district procedures to ensure that only the evaluations receiving parent consent will be administered. Data Collection: The district will submit the date the evaluation team met and who attended the meeting. A copy of the districts revised procedures for ensuring parent consent is received for all evaluations administered will be submitted.	January 1, 2008	District Special education director and evaluation team	

4 month Progress Report:

December 20, 2007

The District Special Education Director and Evaluation Team met on December 20, 2007 at 2:30. We reviewed procedures from the Technical Assistance Guide and set forth procedures to be utilized to ensure that only the evaluations receiving parent consent will be administered. They are as follows:

1. Special Education teacher will contact the parent to determine their concerns about their child's academics. For reevaluations, the Special Education teacher will document three attempts to gain this parent information.
2. The Special Education teacher will contact the school psychologist and related service therapists and inform them of the parent's concerns.
3. The school psychologist will review the student's file and discuss with the Special Education teacher what testing is required. The Technical Assistance Guide will be a resource for this information.
4. The Special Education teacher will send a Prior Notice for Consent to Evaluate to the parent. When this is returned, the date will be written on the notice and a copy provided to the school psychologist. This provides the reference for the 25 day timeline for testing.
5. The school psychologist and the related service providers will receive a copy of the Prior Notice before testing. It should have the parent's signature with the date of return documented or the dates documented that the teacher attempted to get parent consent.

Attending the meeting:

Mary Borgman, School Psychologist
Chantel Sprang, School Psychologist
Robin Schwandt, School Psychologist
Rhonda Zinter, NESC Assistant Director
Michelle Greseth, Special Education Director

This information was provided to the Sisseton School District Special Education Staff on December 20, 2007 at 3:30. A copy of the procedures was also provided to each staff member.

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)

ARSD 24:05:25:04.02 Determination of needed evaluation data

As part of an initial evaluation, if appropriate, the individual education program team required by § 24:05:27:01.01 and other individuals with knowledge and skills necessary to interpret evaluation data, determine whether the child has a disability, and determine whether the child needs special education and related services, as appropriate, shall:

- (1) Review existing evaluation data on the child,
- (2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:
 - (a) Whether the student has a particular category of disability as described in this article;
 - (b) The present levels of performance and educational needs of the student; and
 - (c) Whether the student needs special education and related services.

Through a review of student files, there was no evidence of parent input in the evaluation process for 12 students.

Follow-up: October 22nd and 23rd, 2007

Finding: Meets Requirement

Through interview and a review of records, the district has a process in place for obtaining and documenting parent input into the evaluation process.

Corrective Action: None

6. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)

Issues Requiring Immediate Attention

ARSD 24:05:25:06 Reevaluations

ARSD 24:05:22:03 Certified child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

24:05:25:04 Evaluation procedures

School districts shall ensure, at a minimum, that evaluation procedures include the following:

(7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

Through interview and a review of student records, the review team identified the following issues:

1. A reevaluation conducted in January 2005 did not yield information to re-determine eligibility for this student. On the 2003 child count this student was identified as multiply disabled using mental retardation and speech/language impaired as the two disabling conditions. The current multidisciplinary team assessment report for determining eligibility did not contain ability scores from current or previous testing. Achievement testing for eligibility was not conducted. There were no scores reported for the social skills rating scale and the adaptive behavior scores were reported as scaled scores instead on standard scores.
2. The data reported from a December 2003 reevaluation for a student identified on child count as multiply disabled (mental retardation and speech/language impaired) did not yield eligibility scores to support mental retardation.
3. On the 2003 child count, a student was identified as multiply disabled under the two categories of emotionally disturbed and other health impaired. The reevaluation conducted in January of 2005 did not include previous medical, behavior or social evaluations to support continued eligibility under either of the two identified categories. On the 2005 multidisciplinary team assessment report for determining eligibility the team concluded the student was not eligible for special education and placed the student through override procedures. Information contained in the override inferred the students need for assistance in the resource room rather than why the testing was invalid and the need for special education.
4. On the 2003 child count, a tuition student was reported as other health impaired. The May 2003 evaluation conducted by the Browns Valley School District does not include sufficient information to meet South Dakota eligibility criteria. The report stated, "summary of medical diagnosis (documentation is attached to this report)" however no documentation was attached. The student's behavior and social skills were not evaluated. The report also stated, "...need for special education instruction and service is supported by evidence of inadequate academic progress due to excessive absenteeism as verified by attendance records..."
5. An initial evaluation was conducted for a student in February 2005. The student's team meeting was scheduled to occur the day after the onsite visit. The multidisciplinary team assessment report for determining eligibility was completed by the psychologist prior to the team meeting, stating the student was eligible for special education under the categories of emotional disturbance and other health impaired. There were no evaluations conducted to support a category of other health impaired and eligibility must be determined by the students IEP team and not a single evaluator.

Follow-up: October 22nd and 23rd, 2007

Finding:

Through interview and a review of student records, the review team identified the following issues:

1. Two students evaluated since May of 2005 were placed as multiply disabled using the areas of cognitive disability and speech/language. The team questioned the appropriateness of this category considering the evaluation results (#1 & 6)
2. Another student qualified under the category of speech/language but was placed under the category of multiple disabilities due to behavior issues, through the override process. The student was dismissed from speech services in April of 2007 without evaluation and without considering the change in disability category (#8)
3. Five other student files were reviewed by the team. The evaluations in these files were conducted in 2005, before and after the previous on-site visit. The team questioned the appropriateness of the disability category, reporting procedures and evaluation data supporting disability category. Based upon the issues noted in the current and original findings, it would be beneficial for the district to review the evaluation data for all students placed in the multiple disabilities, other health impaired, and emotionally disturbed categories to ensure appropriate reporting (#3, 24, 8, 10, & 13).

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review and amend, at a minimum, the evaluation data for all students placed in the multiple disabilities, other health impaired, and emotionally disturbed categories to ensure the evaluation data in the file supports disability category reported on the most recent child count and that the reporting category is the most appropriate category for the student. Data Collection: The district will review the evaluation procedures and data for all students in the categories noted above. The district will submit a chart listing each file reviewed, the students disability reported on child count, the date of the most recent evaluation, the districts determination if the evaluations support the disability category, the corrective action to be taken for errors noted (reevaluate, correct eligibility category, amend eligibility determination, conduct meeting etc.) and the date the corrective action was completed.	May 1, 2008	District special education staff, evaluation teams, NEC staff	

4 month Progress Report:

No information submitted.

8 month Progress Report:

12 month Progress Report:

Activity/Procedure: Based upon the issues identified in the activity above, training will be provided to all special education staff /evaluation teams informing them of the proper procedures and documentation required for determining eligibility and child count reporting. Data Collection: The district will submit a copy of the training agenda, date of training, presenter(s) and list a persons attending.	May 1, 2008	Special education director	
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4 month Progress Report:

No information submitted.

8 month Progress Report:

12 month Progress Report

7. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)

ARSD 24:05:27:01.01. IEP team

Each school district shall ensure that the IEP team for each student with disabilities includes the following members:

- (1) The parents of the student;
- (2) At least one regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- (3) At least one special education teacher of the student or, if appropriate, at least one special education provider of the student;
- (4) A representative of the school district who:

- (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
- (b) Is knowledgeable about the general curriculum; and
- (c) Is knowledgeable about the availability of resources of the school district;

Through a review of student records, the IEP team meetings for seven students did not include an individual who met the requirements as a district representative.

Follow-up: October 22nd and 23rd, 2007

Finding: Meets Requirement

Through a review of student records the team noted appropriate team members were present at the IEP team meetings.

Corrective Action: None

8. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance)

ARSD 24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include:

- (1) A statement of the student's present levels of educational performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general curriculum.
- (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
 - (a) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum.

Through a review of 21 student records, present levels of performance did not consistently contain specific skills link to functional evaluation or state the student's involvement/progress in the general curriculum. Annual goals did not consistently specify skills the student could reasonably accomplish within a 12 month period. For example, "...will complete functional math problems," or "...will read at increasing levels of complexity for various functional purposes."

Follow-up: October 22nd and 23rd, 2007

Finding:

Through a review of student records the review team found that the annual goals were written to address what the student could reasonably be expected to accomplish within a 12 month period. Issues regarding functional assessment, present levels of performance and development of an appropriate program were as follows:

1. A student was eligible in the areas of reading and math. There did not appear to be functional assessment in the area of reading resulting in no link to the evaluation data (#4).
2. Another student was eligible in the area of reading and math, there was no functional assessment to support the student's reading needs. The present levels did not include reading strength and needs (#5).
3. A student moved to the district on 12-15-06. The eligibility category was other health impaired due to a diagnosis of ADHD. The only goal in the IEP was in the area of reading (#10).
4. The IEP for this student was incomplete and did not contain annual goals (#23).

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review the files of all students initially evaluated and reevaluated during the 4 month reporting period to ensure functional assessment information is collected in the areas of identified disability, strengths and needs are reported in the areas of identified disability on the Present levels of academic achievement and functional performance (PLAAFP's) and that the students IEP is developed to provided educational benefit. Data Collection:	March 15, 2008	District special education director	3-14-08 Meets Requirement

The district will report the total number of initial and revaluations conducted/reviewed during the 4 month reporting period and report the number of files which meet/did not meet all the requirements noted above.			
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4 month Progress Report:

A meeting was held to emphasize the need for doing functional assessment in the areas of identified disability and to report the strengths and needs in each of these areas on the PLAAPs page of the IEP. (See meeting agenda – December 20, 2007) This information was reviewed again at the February 28th meeting.

During the 4 month reporting period, 41 initial and re-evaluations were conducted in our district. 1 student transferred into our district with an IEP lacking this information. For that student, a functional assessment was completed and an IEP meeting held to rewrite the IEP with the strengths and needs information listed on the PLAAPs page. In all the current evaluations, functional assessments were completed and the strengths and needs were written on the IEP.

9. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)
ARSD 24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include:

(4) An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in activities described in this section.

Through a review of eight student records, the justification for placement did not include an explanation of the extent to which the student will not participate with non-disabled peers in the general classroom. For example, the justification statement for a student who goes to the resource room for 45 minutes daily states, “general education with modifications provides (student) with enough direct skills instruction at her level. (Student) is able to interact with peers and adults enough to participate in the regular education classes. (Student) requires consistent interaction with peers to maintain positive social skills.”

Follow-up: October 22nd and 23rd, 2007

Finding: Meets Requirement

Through a review of student records the review team found that justification statements described the student’s instructional needs.

Corrective Action: None

10. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 9-3-05)
ARSD 24:05:27:01.02 Development, review, and revision of individualized education program

In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, and as appropriate, the results of the student's performance on any general state or district-wide assessment programs. The individualized education program team also shall:

(1) In the case of a student whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports, to address that behavior.

Through interview and a review of student files, the IEPs for six student indicated the student’s behavior impeded learning. Strategies to appropriately address the behavior, including positive behavioral intervention and supports were not developed for these students.

Follow-up: October 22nd and 23rd, 2007

Finding: Meets Requirement

Through a review of student records the team noted great improvement in districts documentation of behavior concerns. All IEPs reviewed appropriately addressed the issue if the students behavior impeded their learning or that of others.

Corrective Action: None